IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.MC.No. 3931 of 2006()

CC.1236/2003 of JUDL.MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA
L.P. NO.72/05 OF THE JFCM COURT, MUVATTUPUZHA.

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PETITIONER: ACCUSED:

REMADEVI, W/O. CHANDRADATH,
`RAM NIVAS', KUTHIATHODU P.O., CHERTHALA.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. A.E. SYED KUNJU,
ARYANKALAYIL HOUSE, MARKET P.O., MUVATTUPUZHA.

BY P.P. SRI.K.A. AKBAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 3931 OF 2006

Dated this the 30th day of November, 2006

ORDER

The petitioner – a woman, finds herself in an unenviable predicament of a warrant of arrest issued by the learned Magistrate in a prosecution under Sec.138 of the N.I. Act chasing her. According to her, due to excessive work load and extensive travel, she could not appear before the learned Magistrate after receiving the summons. It is, in these circumstances, that a non-bailable warrant of arrest has been issued against the petitioner by the learned Magistrate.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have

already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself, unless compelling and exceptional reasons are there.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge